



## **City of Harrisonburg Stormwater Advisory Committee**

### ***Minutes: Meeting No. 08***

**September 3, 2014 5:00 – 7:00 p.m.**

**Members in attendance:** Kathy Holm, Bill Jones, William Latham, Daniel Michael, Ted Byrd, J.M. Snell, Dale Chestnut and Eldon Kurtz.

**Staff/Other in attendance:** Thanh Dang, Carolyn Howard, Harsit Patel, Tom Hartman, John Eckman and Trey Jarrels.

#### **Review and Adopt Minutes**

Bill Jones called for a motion to adopt the August 2014 SWAC meeting minutes. J.M. motioned to accept and Eldon seconded, the motion passed.

#### **Public Comment**

Poti Giannakouros of Harrisonburg commented that recently there was a fish kill resulting from cleaning chemicals used during pressure washing that drew the public's attention to the problem of toxic runoff into our watershed. Poti mentioned that the SWAC and City council should consider a ban on coal tar sealant as a best management practice, and cited polycyclic aromatic hydrocarbons as a contributor to toxic runoff. He went on to say that the coal tar sealant does not provide an essential function, and that there are viable alternatives. Poti cited city ordinance Sec. 16-6-58. Weeds, etc., on lots and claimed that it was being enforced counter to state legislation and impedes the mitigation of stormwater runoff. He then stated that it may be time to revisit the approach to the ordinance, as not to hamper rain gardens and other creative stormwater mitigation.

#### **Stormwater Utility Ordinance**

Thanh called for the SWAC's comments on the draft Stormwater Utility Ordinance. The Ordinance has been reviewed by City Attorney Chris Brown. Thanh stated that staff would not be asking Council to adopt the ordinance at the September 23 Council meeting, but would be presenting the ordinance to City Council prior to releasing for public comment. Upon review of the impervious mapping data staff plans to address some errors, and are not prepared to bring the stormwater utility fee structure to Council at this time. Plans are to use the September 23 meeting as an opportunity to revisit with Council. Chairman Bill Jones and Thanh will present an overview of the SWAC's progress and update council on the MS4 permit and the draft stormwater utility ordinance. The utility fee structure will be presented at the November 11 council meeting and public input meetings have been scheduled for November 12 and December 2.

Following discussion, J.M. moved that once corrections were made to the draft Stormwater Utility Ordinance and reviewed again by the City Attorney, it would be presented at the September 23 council meeting. Daniel seconded, the motion carried.

### **Stormwater Utility Fee Credit Options**

Carolyn started by recapping that the Virginia Stormwater Utility Law shall provide a full waiver of charges to public roads or any federal, state or public entity that has its own MS4 permit (e.g. VDOT and JMU). JMU foundation properties are excluded from the waiver because they are considered a private foundation and can be charged a utility fee by the City. The City can provide full or partial waivers of their utility fee based on permanent reduction of stormwater volume or flow or pollutant reductions. The stormwater law also provides the option for full or partial waivers for cemeteries, city properties, public or private entities that implement strategies that help to reduce stormwater volume or nutrient loading. The SWAC will recommend to Council that city owned parcels and cemeteries be charged the utility fee.

The SWAC can recommend the amount of waivers (utility fee credits) allowed for properties. Those properties that provide more substantial stormwater management (“going above and beyond”) the Virginia Stormwater Management Program requirements can receive an additional and/or larger utility fee credit for these voluntary BMPs that would count towards the City’s TMDL requirements.

The SWAC discussed using the terms “utility fee credit” and “TMDL credit” to differentiate between the stormwater utility credits and Chesapeake Bay TMDL credit program.

When someone applies for a “utility fee credit” the proposed time frame before property owners would have to submit a reapplication would be every 5 years, keeping in line with the VSMP program BMP inspection requirement. Property owners would then reapply to prove proper maintenance of the BMP to continue receiving the utility fee credit. Utility fee credits would not be transferrable between previous and new property owners. When a property changes ownership, the new owner would bring the records to Public Works to apply for their own utility fee credit. The effective date of a utility credit will fall within the billing cycle i.e. if a BMP is installed on 10/2015 it will not receive credit until 7/1/2016.

The plan is that between January 2015 and July 2015 when the fee is implemented, the property owners will have time to submit credit applications to be applied from the start. BMP’s must be installed per DEQ standards, and maintenance agreements would be kept on file. BMP’s that are not properly maintained could be subject to loss of utility fee credit upon city inspection. Regarding the stormwater utility credit limits, Carolyn recommended a minimum charge of one billing unit and for multi-family non-residential parcels many localities use a maximum utility fee credit of 50%.

Upon discussion regarding utility fee credit limits, the guidance manual (under development by Draper Aden and city staff) will state that for all parcels a maximum credit of 50% of the original fee is allowed and the minimum fee charged will be one billing unit.

City operations such as leaf collection would be eligible for a utility fee credit i.e. the Public Works Department's stormwater utility fee would not be reduced, although TMDL credit for the MS4 Permit may be applicable toward the city's nutrient reduction requirements. Developing guidelines from DEQ and follow up by staff will provide more information.

### **Public Works**

#### **a. Open House – Review draft presentation materials**

Carolyn and staff are in the process of developing a PowerPoint presentation where slides could be reformatted into boards that SWAC members could stand beside to present information and answer questions. After people sign in they can follow the boards through the room. A 500 square foot area would also be marked off in the middle, if the layout allows. The calculations will be available for property owners that would like us to look up their stormwater utility fee.

#### **b. Community Groups – updates and assignments for SWAC member outreach**

After the September council meeting staff and SWAC members will begin community outreach. Assignments and suggestions were added to the contact list.

### **General Questions / Discussion**

Trey Jarrels the new Stream Health Coordinator for the City of Harrisonburg was introduced to the SWAC.

### **Next Steps / Assignments**

Staff will follow up with changes to the stormwater utility ordinance and community outreach assignments. The next SWAC meeting will be held on Wednesday October 1 from 5-7pm at the Public Works Department.